

## LEGISLATIVE MINUTES

### MARLBORO TOWNSHIP COUNCIL MEETING

SEPTEMBER 25, 2003

The Marlboro Township Council held a regularly scheduled Council Meeting on September 25, 2003 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Karcher opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this regular meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on December 13, 2002; mailed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Denkensohn, Councilman Kovalski (8:20pm), Council Vice President Mione, Councilwoman Singer and Council President Karcher (8:45pm).

Also present were: Mayor Scannapieco (10:00pm), Ronald H. Gordon, Esq., Business Administrator Chris Marion, Municipal Clerk Alida DeGaeta, and Deputy Clerk Deborah Usalowicz.

Public Information Report - Public Information Director Susan Levine gave an update on the pilot program for the Commuter Shuttle Bus. In addition, she announced the following: first annual Harvest Festival on Sat., Oct. 25<sup>th</sup> from 10am - 2pm at the Municipal Complex; Annual Fall leaf and brush pick-up schedule; National Fire Prevention week, Oct. 5<sup>th</sup> - 11<sup>th</sup>; and the Robertsville Volunteer Fire Company open house, Oct. 5<sup>th</sup> from 10am - 2 pm.

Councilwoman Singer moved that the minutes of August 14<sup>th</sup>, 2003 be approved. This motion was seconded by Councilman Kovalski and the minutes were passed on a roll call vote of 4 - 0, with Councilman Denkensohn abstaining.

Council President Karcher opened the Public Hearing on Ordinance # 2003-16 (Authorizing Encroachment Utility and Conservation Easement - B. 395, L. 6). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution # 2003-254/Ord. # 2003-16 (Authorizing Encroachment Utility and Conservation Easement - B. 395, L. 6) was introduced by reference, offered by Council Vice President Mione, seconded by Councilwoman Singer and passed on a roll call vote of 5 - 0.

RESOLUTION # 2003- 254

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2003-16

AN ORDINANCE AUTHORIZING AN ENCROACHMENT ONTO AN  
EXISTING UTILITY EASEMENT AND CONSERVATION EASEMENT  
ON PROPERTY KNOWN AS BLOCK 395, LOT 6, TOWNSHIP OF MARLBORO,  
COUNTY OF MONMOUTH, STATE OF NEW JERSEY

which was introduced on August 14, 2003, public hearing held September 25<sup>th</sup>, be adopted on second and final reading this 25<sup>th</sup>, day of September 2003.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

Council President Karcher opened the Public Hearing on Ordinance # 2003-17 (Prohibiting Left Turn - Route 520 - Commerce Bank). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution # 2003-255/Ord. # 2003-17 (Prohibiting Left Turn - Route 520 - Commerce Bank) was introduced by reference, offered by Councilwoman Singer, seconded by Council Vice President Mione and passed on a roll call vote of 5 - 0.

RESOLUTION # 2003-255

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2003-17

AN ORDINANCE PROHIBITING LEFT TURNS INTO AND OUT OF  
THE EASTERLY DRIVEWAY OF THE CONSTRUCTION SITE FOR THE PROPOSED  
COMMERCE BANK, BEING LOCATED ON LOTS 34, 35, AND 36 IN BLOCK 176, 46  
COUNTY ROUTE 520, MARLBORO, NEW JERSEY

which was introduced on August 14<sup>th</sup>, public hearing held September 25<sup>th</sup>, be adopted on second and final reading this 25<sup>th</sup>, day of September 2003.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

Council President Karcher opened the Public Hearing on Ordinance # 2003-18 (Bond Ordinance - Swim Pool Improvements). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution # 2003-256/Ord. # 2003-18 (Bond Ordinance - Swim Pool Improvements) was introduced by reference, offered by Councilwoman Singer, seconded by Councilman Kovalski and passed on a roll call vote of 5 - 0.

RESOLUTION # 2003-256

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2003-18

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$1,750,000  
FOR CONSTRUCTION OF A MUNICIPAL POOL AND RELATED IMPROVEMENTS  
FOR AND BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF  
MONMOUTH, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF  
\$1,750,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART  
OF THE APPROPRIATION

which was introduced on August 14<sup>th</sup>, public hearing held September 25<sup>th</sup>, be adopted on second and final reading this 25<sup>th</sup>, day of September 2003.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

ORDINANCE # 2003-18

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$1,750,000  
FOR CONSTRUCTION OF A MUNICIPAL POOL AND RELATED  
IMPROVEMENTS FOR AND BY THE TOWNSHIP OF MARLBORO, IN THE  
COUNTY OF MONMOUTH, NEW JERSEY AND AUTHORIZING THE ISSUANCE  
OF \$1,750,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING  
PART OF THE APPROPRIATION

BE IT ORDAINED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1:

The improvements described in Section 3 of this bond ordinance (the "Improvements") are hereby authorized to be undertaken by the Township of Marlboro, New Jersey (the "Township") as general improvements. For the said Improvements there is hereby appropriated the amount of \$1,750,000. No down payment required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law"), as the purpose authorized herein is deemed self-liquidating and the obligations authorized herein are deductible from the gross debt of the Township, as more fully explained in Section 6(e) of this ordinance.

SECTION 2:

In order to finance the additional cost of the Improvements, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$1,750,000 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Township are hereby authorized to be issued in the principal amount not exceeding \$1,750,000 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3:

(a) The Improvements authorized and the purposes for which obligations are to be issued are construction of a municipal pool and related improvements, including pool, filter room building, day camp pavilion, day camp storage building, playground equipment, volleyball court, service road, sprinkler system, landscaping, including all work and materials necessary therefor or incidental thereto, and all as shown on and in accordance with the plans and specifications on file in the office of the Clerk and hereby approved.

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$1,750,000.

(c) The estimated cost of the Improvements is \$1,750,000 which amount represents the initial appropriation made by the Township.

#### SECTION 4.

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Township (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Township Council of the Township at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

#### SECTION 5:

The capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Township Clerk and is available for public inspection.

#### SECTION 6:

The following additional matters are hereby determined, declared, recited and stated:

(a) The Improvements described in Section 3 of this bond ordinance are not current expenses, and are capital improvements or properties that the Township may lawfully make or acquire as general

improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the Improvements, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Township, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$1,750,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$100,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

(e) This bond ordinance authorizes obligations of the Borough solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

#### SECTION 7:

Any funds received from time to time by the Township as contributions in aid of financing the purposes described in Section 3 of this Ordinance shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the Township authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvements shall, be held and applied by the Township as funds applicable only to the payment of obligations of the Township authorized by this Bond Ordinance.

SECTION 8:

The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 9:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Township reasonably expects to pay expenditures with respect to the Improvements prior to the date that Township incurs debt obligations under this Bond Ordinance. The Township reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Township under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$1,750,000.

SECTION 10:

This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The following Res. # 2003-257/Ord. # 2003-19 (No Left Turn Route 520 - Goddard School) was introduced by reference, offered by Council Vice President Mione, seconded by Councilman Kovalski and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-257

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2003-19

AN ORDINANCE PROHIBITING LEFT TURNS INTO AND OUT OF THE PROJECT LOCATED AT MARLBORO PLAZA FOR THE PROPOSED DAY CARE FACILITY TO BE KNOWN AS THE GODDARD SCHOOL, BEING LOCATED ON LOT 37 IN BLOCK 176, 46 COUNTY ROUTE 520, MARLBORO, NEW JERSEY

be introduced on first reading September 25<sup>th</sup>, 2003 and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on October 23, 2003 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2003-19

AN ORDINANCE PROHIBITING LEFT TURNS INTO AND OUT OF THE PROJECT LOCATED AT MARLBORO PLAZA FOR THE PROPOSED DAY CARE FACILITY TO BE KNOWN AS THE GODDARD SCHOOL, BEING LOCATED ON LOT 37 IN BLOCK 176, 46 COUNTY ROUTE 520, MARLBORO, NEW JERSEY

WHEREAS, Building Blocks of Marlboro, LLC ("Developer") is the Developer for construction of a day care facility to be known as The Goddard School located at 46 County Route 520, Block 175, Lot 37, Township of Marlboro, County of Monmouth, State of New Jersey (the "Site") which has received site plan approval from the Planning Board of the Township of Marlboro; and

WHEREAS, Developer agreed, as a condition of its site plan approval, to construct certain public improvements in conjunction with the construction of the Site; and

WHEREAS, such improvements include, but are not limited to, the modification of the entrance of the Site to prohibit left turns into and out of the Site, in order to provide safe and efficient control of traffic into the Site; and

WHEREAS, the Monmouth County Planning Board has imposed a restriction prohibiting left turns into and out of the Site, in order to provide safe and efficient control of traffic out of the Site; and

WHEREAS, in order to provide safe and efficient control of traffic, Developer requires that access to the Site from 46 County Route 520 be limited to right turns in and out only ("Right In/Right Out") and has received approval for said Right In/Right Out Plan from the Planning Board of the Township of Marlboro and The Monmouth County Planning Board; and

WHEREAS, the Monmouth County Planning Board's approval for said Right In/Right Out Plan is conditioned upon, among other things, the



Township adopting an ordinance prohibiting left turns into and out of the Site; and

WHEREAS, the Township Administration and Engineering Departments agree with the Township of Marlboro's Planning Board and Monmouth County Planning Board's determination that the prohibition of left hand turns into and out of the Site is necessary to provide safe and efficient control of traffic; and

WHEREAS, the Township Council has determined that the establishment of such limitation on left hand turns is necessary and proper for the safety and welfare of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that left hand turns into and out of the Site located at 46 County Route 520, Township of Marlboro, County of Monmouth and State of New Jersey are prohibited until the completion of the traffic light installation at the intersection of Route 520 and Kenduck Drive and subject to the review and approval of the Township Engineer.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with the applicable law.

The following Res. # 2003-258 (Authorizing Agreement Monmouth County - SCAT/2004 Food Shopping Agreement) was introduced by reference, offered by Councilwoman Singer, seconded by Councilman Denkensohn and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-258

AUTHORIZING AN AGREEMENT WITH THE COUNTY OF MONMOUTH,  
PURSUANT TO N.J.S.A. 40:8A-1 ET SEQ.,  
THE INTERLOCAL SERVICES ACT, FOR SPECIAL  
CITIZENS TRANSPORTATION SYSTEM (SCAT)  
SERVICES TO ELIGIBLE PERSONS

WHEREAS, The Board of Chosen Freeholders of the County of Monmouth (hereinafter, "the County") has established the Special Citizens Area Transportation System (hereinafter, "SCAT"); and

WHEREAS, the Township of Marlboro has requested that the County provide services to eligible residents and wishes to enter into an agreement with the County for the provision of transportation services to eligible residents of Marlboro Township for the year 2004;

WHEREAS, the Interlocal Services Act, N.J.S.A. 40:8A-1 et seq., authorizes local units as defined in said Act to enter into joint agreements for the provision of governmental services, including such transportation services; and

WHEREAS, the proposed contract for the provision of said services is on file in the Township Clerk's office in accordance with the provisions of N.J.S.A. 40:8A-4:

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Clerk are hereby authorized and directed to execute the proposed interlocal services agreement for the provision of the aforementioned services.

BE IT FURTHER RESOLVED that a duly certified copy of this resolution be forwarded to all respective parties.

The following Res. # 2003-259 (Corrective Action Plan) was introduced by reference, offered by Councilman Denkensohn, seconded by Councilwoman Singer and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-259

RESOLUTION APPROVING AND ACCEPTING  
CORRECTIVE ACTION PLAN

WHEREAS, the SFY 2002 Annual Audit of the Township of Marlboro, conducted by Fallon & Fallon LLP, contained certain recommendations requiring action, and

WHEREAS, these recommendations have been reviewed by the Township's Chief Financial Officer, and

WHEREAS, the Chief Financial Officer, in accordance with the requirements promulgated by the N.J. Division of Local Government Services, has developed a plan to address the recommendations listed by the auditors,

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Marlboro that the Corrective Action Plan for the SFY 2002 Annual Municipal Audit, hereto attached, is approved and accepted, and

BE IT FURTHER RESOLVED that the Township Clerk is hereby directed to transmit a certified copy of this resolution and its attachments to the Division of Local Government Services. (See regular minute book for attachment).

The following Res. # 2003-260 (Authorizing Litigation Settlement - FRHSD Reapportionment Issue) was introduced by reference, offered by Councilman Denkensohn, seconded by Councilman Kovalski and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-260

RESOLUTION TO APPROVE SETTLEMENT

WHEREAS, Marlboro Township is a constituent municipality of the Freehold Regional High School District ("FRHSD"); and

WHEREAS, the current apportionment of votes on the FRHSD is unconstitutional because it was not reapportioned pursuant to the 2000 Census; and

WHEREAS, the Marlboro Council asked the Monmouth County Superintendent to reapportion the votes on the FRHSD pursuant to the 2000 Census; and

WHEREAS, the Monmouth County Superintendent initially did not agree to reapportion the votes on the FRHSD; and

WHEREAS, the Marlboro Council authorized a lawsuit to be filed to reapportion the FRHSD so that each Marlboro resident would be

more equitably represented on the FRHSD in accordance with the principle of "one person, one vote;" and

WHEREAS, Marlboro Township filed a lawsuit in September 2002 in the United States District Court before the Hon. Garrett E. Brown, Jr. under docket number CIV-02-4560 (GEB) (the "lawsuit") seeking, among other things, a reapportionment of the FRHSD; and

WHEREAS, Judge Brown referred the parties to the lawsuit to non-binding mediation with former United States District Court Judge Nicholas Politan; and

WHEREAS, during the mediation process a reapportionment plan was proposed that increased Marlboro's vote from 1.4 to 1.6 of the 9 votes on the FRHSD; and

WHEREAS, it having been represented that the governing bodies of each of the constituent municipalities has agreed to the proposed voting reapportionment of the FRHSD;

NOW, BE IT RESOLVED, that the Marlboro Township Council hereby authorizes its attorneys to settle the lawsuit on the following terms:

A) the FRHSD will continue to have nine (9) members, comprised of two (2) members who reside in Howell Township, and one (1) member each who reside in the remaining seven (7) constituent municipalities; and

B) the constituent municipalities shall continue to be grouped into four (4) "representative districts" as set forth as follows: 1) Howell/Farmingdale; 2) Freehold Township/Freehold Borough; 3) Marlboro Township/Colts Neck; 4) Manalapan/Englishtown, and that residents within a representative district shall continue to be entitled to vote for candidates from each of the two (2) municipalities within that representative district; and

C) the votes on the Freehold Board are reapportioned among the constituent municipalities as follows:

Howell	2.1
Farmingdale	.4
Freehold Township	1.45
Freehold Borough	.8
Marlboro Township	1.6
Colts Neck	.8

Manalapan	1.45	
Englishtown	.4	; and

D) the State of New Jersey will pay to Marlboro Township \$35,000.00 as settlement of the Township's claim for attorneys fees.

The following Res. # 2003-278 (Person to Person Transfer - Morganville Bar & Grill to IR Restaurant Corp) was introduced by reference, offered by Councilman Denkensohn, seconded by Councilwoman Singer and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-278

RESOLUTION OF THE TOWNSHIP OF MARLBORO  
AUTHORIZING A PERSON-TO-PERSON TRANSFER OF A  
CERTAIN PLENARY RETAIL CONSUMPTION LICENSE

WHEREAS, application has been made by IR Restaurant Corp. for a person-to-person transfer of a Plenary Retail Consumption License Number 1328-33-007-003 presently held by Morganville Bar & Grill, Inc.; and

WHEREAS, the applicant has disclosed and the appropriate Township officials have reviewed the source of all funds used in connection with the purchase of said license, which information is contained in the report of the Police Department concerning this transfer application; and

1. The submitted application form is complete in all respects;
2. The applicant is qualified to be licensed according to all standards established by the New Jersey Alcoholic Beverage Control Act, the regulations promulgated thereunder, as well as any pertinent local ordinances or Division-approved conditions; and
3. The applicant has disclosed and the authority has reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business.

WHEREAS, the Township Council of the Township of Marlboro has reviewed the application and all supporting documentation finds it

appropriate to approve the transfer of the aforesaid alcoholic beverage license.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that the application for person-to-person transfer of Plenary Retail Consumption License Number 1328-33-007-003 filed by IR Restaurant Corp., to be used under a trade name to be determined at the location of 47 Tennent Road in the Township of Marlboro be and hereby is approved, subject to the conditions set forth hereinbelow.

1. The approval of the Division of Alcoholic Beverage Control to the person-to-person transfer of the aforesaid license to IR Restaurant Corp.
2. That prior to the use of the aforesaid license for the sale, service or consumption of alcoholic beverages on the premises, the licensee notify the Code Enforcement Officer of the Township of Marlboro for the purposes of said officials making an inspection of the premises and a determination of the maximum permitted occupancy of the premises pursuant to applicable Township ordinances.
3. That the licensee comply with the aforesaid maximum occupancy of the premises as determined by the code Enforcement Officer of the Township of Marlboro.

BE IT FURTHER RESOLVED that the license transferred herewith shall be subject to suspension or revocation for a violation of any of the aforesaid conditions pursuant to N.J.S.A. 33:1-32.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to each of the following:

- a. Morganville Bar & Grill, Inc.
- b. IR Restaurant Corp.
- c. Director of the Division of Alcoholic Beverage Control
- d. Marlboro Township Police Department
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

At 9:05 pm, Councilman Denkensohn moved that the meeting go into executive session for reason of discussing acquisition of property. This was seconded by Councilwoman Singer, and as there was no objection, the Clerk was asked to cast one ballot. Recess was called and the closed session commenced at 9:15 pm.

RESOLUTION # 2003-279

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 25th day of September, 2003 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely, acquisition of property.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned items and that such executive session should take approximately 60 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required. Action will be taken following the executive session.

At 10:45 pm, Councilman Kovalski moved that the meeting be opened. This was seconded by Council Vice President Mione, and as there was no objection, the Clerk was asked to cast one ballot.

The following Res. # 2003-261 (Award of Bid - 2 Dump Trucks - Intl. Trucks of Central Jersey) was introduced by reference, offered by Councilman Denkensohn, seconded by Councilwoman Singer and passed on a roll call vote of 3 - 0 in favor (Absent: Kovalski and Mione).

RESOLUTION # 2003-261

A RESOLUTION AWARDING A CONTRACT TO INTERNATIONAL TRUCKS OF CENTRAL NEW JERSEY TO PROVIDE TWO (2) 2003 OR NEWER CLASS 5 DUMP TRUCKS AND RELATED EQUIPMENT FOR THE MARLBORO TOWNSHIP DIVISION OF PUBLIC WORKS

WHEREAS, the Township of Marlboro previously authorized the acceptance of bids for the provision of two (2) 2003 or newer Class 5 Dump Trucks and Related Equipment for the Marlboro Township Division of Public Works, and on April 30, 2003, the bid opening date, received one bid from International Trucks of Central Jersey which was rejected because the amount of the bid exceeded the amount appropriated for such purchase; and

WHEREAS, on May 8, 2000, the Township of Marlboro authorized the rejection of the aforesaid bid and the re-bid for the provision of two (2) 2003 or newer Class 5 Dump Trucks and Related Equipment for the Marlboro Township Division of Public Works, and on August 22, 2003, received one (1) bid therefor; and

WHEREAS, the one (1) bid received was as follows:

1. International Trucks of Central Jersey, 1292 Route 9 South, Howell, NJ 07731 for the amount of \$146,625.00

WHEREAS, the Township Administration and the Division of Public Works have reviewed the said bids received and recommended that same be awarded to International Trucks of Central Jersey as the lowest responsible bidder; and

WHEREAS, funds are available and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Mayor and Township Council have indicated their desire to engage International Trucks of Central Jersey of Howell, New Jersey to provide two (2) 2003 or newer Class 5 Dump Trucks and Related Equipment for the Marlboro Township Division of Public Works.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a contract be awarded to International Trucks of Central Jersey of Howell, New Jersey to provide two (2) 2003 or newer Class 5 Dump Trucks and Related Equipment for the Marlboro Township Division of Public Works; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute and the Township Clerk to witness a Contract with International Trucks of Central Jersey in a form to be approved by the Township Attorney, for the aforementioned equipment; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. International Trucks of Central Jersey
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Superintendent Public Works
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2003-262 (Authorizing Contract Extension - HVAC Service) was introduced by reference, offered by Councilman Denkensohn, seconded by Councilwoman Singer and passed on a roll call vote of 4 - 0 in favor (Absent: Kovalski).



RESOLUTION # 2003-262

A RESOLUTION AUTHORISING THE EXTENSION OF THE HVAC MAINTENANCE  
SERVICE AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO AND WILGRO  
SERVICES, INC. FOR AN ADDITIONAL ONE (1) YEAR PERIOD

WHEREAS, in August of 2002, the Township awarded a contract to Wilgro Services, Inc. to provide Heating and Ventilating and Air Conditioning System ("HVAC") Maintenance Services for various Township buildings for an annual fee of \$21,114.00, labour only; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township to extend the current Agreement with Wilgro Services, Inc. for the provision of the aforesaid services, in accordance with the terms thereof, for an additional period of one (1) year, for an additional amount of \$21,114.00.

WHEREAS, funds are available and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the appropriate Township officials be and hereby are authorized to extend the Agreement between the Township of Marlboro and Wilgro Services, Inc. for the provision of HVAC Maintenance Services for an additional one (1) year period and for the amount of \$21,114.00, in accordance with the terms of the existing Agreement on file with the Township.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Wilgro Services, Inc.
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Superintendent Public Works
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2003-263 (Award of State Contract - Playground Equipment) was introduced by reference, offered by Councilwoman Singer, seconded by Councilman Denkensohn and passed on a roll call vote of 4 - 0 in favor (Absent: Kovalski).

RESOLUTION # 2003-263

A RESOLUTION AUTHORIZING THE PURCHASE OF  
PLAYGROUND EQUIPMENT UNDER STATE CONTRACT # A47854

WHEREAS, the Township of Marlboro Recreation and Parks Commission has recommended that the Township purchase Playground Equipment for the new Marlboro Aquatic Centre from GameTime c/o Marturano Recreation Company, Inc. of Brick, New Jersey under New Jersey State Contract #A47854 for the amount of \$31,918.00; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to provide public recreation facilities for children; and

WHEREAS, funds are available and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase Playground Equipment for the amount of \$31,918.00 through GameTime c/o Marturano Recreation Company of Brick, New Jersey, under State Contract A-47854.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. GameTime c/o Marturano Recreation Company
- b. Township Administrator
- c. Township Recreation and Parks Commission
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Resolution # 2003-264 (Award of Bid - Leaf Disposal Location) was introduced by reference, offered by Councilwoman Singer, seconded by Council Vice President Mione and passed on a roll call vote of 4 - 0 in favor (Absent: Kovalski).

RESOLUTION # 2003-264

A RESOLUTION AWARDING A CONTRACT TO TRIPLE C NURSERIES, INC.  
TO PROVIDE TWO (2) OR MORE LOCATIONS FOR LEAF DISPOSAL  
FOR THE TOWNSHIP OF MARLBORO DIVISION OF PUBLIC WORKS

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the provision two (2) or more locations for leaf disposal ("Leaf Disposal") for the Township of Marlboro Division of Public Works, and on September 15, 2003, received two (2) bids therefor; and

WHEREAS, the two (2) bids received were as follows:

1. Triple C Nurseries, Inc., 489 County Route 520,  
Marlboro, NJ 07746 for the amount of \$57,000.00
2. D. Buckley Farms, Inc., 96 Buckley Road, Marlboro, NJ  
07746 for the amount of \$48,000.00

WHEREAS, the Township Administration and the Division of Public Works have reviewed the said bids received and recommended that same be awarded to Triple C Nurseries, Inc. as the lowest responsible bidder because the bid received from D. Buckley Farms, Inc. contained material exceptions to the bid specifications, providing neither a bid bond nor a consent of surety, causing such bid to be non-responsive and making Triple C Nurseries, Inc. the lowest responsible bidder by default; and

WHEREAS, funds are available and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Mayor and Township Council have indicated their desire to engage Triple C Nurseries, Inc. of Marlboro, New Jersey to provide a Leaf Disposal for the Township of Marlboro Division of Public Works.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a contract be awarded to Triple C Nurseries, Inc. of Marlboro, New Jersey for the provision of Leaf Disposal for the Township of Marlboro Division of Public Works; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute and the Township Clerk to witness a Contract with Triple C Nurseries, Inc. in a form to be approved by the Township Attorney, for the aforementioned equipment; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Triple C Nurseries, Inc.
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Superintendent Public Works
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Resolution # 2003-265 (Reject & Rebid - Janitorial Services) was introduced by reference, offered by Councilman Denkensohn, seconded by Council Vice President Mione and passed on a roll call vote of 4 - 0 in favor (Absent: Kovalski).

RESOLUTION # 2003-265

BE IT RESOLVED by the Township Council of the Township of Marlboro that all bids heretofore received for

Janitorial Services for DPW

are hereby rejected and the Business Administrator is authorized and directed to return the bid bond or other security to the appropriate bidder.

BE IT FURTHER RESOLVED that the Business Administrator be and he is hereby authorized and directed to advertise for open, competitive bids for

Janitorial Services for DPW

as required by law.

The following Resolution # 2003-266 (Authorizing Contract - Professional Property Appraisers Inc. - Appraisal and Inspection Services) was introduced by reference, offered by Councilman Denkensohn, seconded by Councilwoman Singer and passed on a roll call vote of 4 - 0 in favor (Absent: Kovalski).

RESOLUTION # 2003-266

RESOLUTION AUTHORIZING THE TOWNSHIP OF MARLBORO TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH PROFESSIONAL PROPERTY APPRAISERS, INC. FOR THE PROVISION OF INSPECTION SERVICES REGARDING IMPROVEMENTS FOR THE OFFICE OF THE TAX ASSESSOR THE TOWNSHIP OF MARLBORO

WHEREAS, there exists in the Township of Marlboro a need for the services of a firm specializing in appraisal and inspection services to assist the Tax Assessor's Office in its evaluation of assessments on improved properties in the Township; and

WHEREAS, in order to determine the assessed value of the improvements, a professional appraiser must be appointed by the Township to assist the Tax Assessor in determining the appropriate value for the assessment of said properties; and

WHEREAS, such services involve professional knowledge and involve such qualified services and knowledge that specifications cannot reasonably be formulated; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, *N.J.S.A. 40A:11-1, et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Township Clerk and that notice of the award of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, the Township Council, having considered the same, now wishes to authorize Professional Property Appraisers, Inc. to perform the aforesaid inspection services assist the Tax Assessor in determining the value of improved properties in the Township for tax assessment purposes.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the Mayor, or his designee, is authorized to execute and the Township Clerk to attest an agreement in a form acceptable to the Township Attorney between the Township of Marlboro and Professional Property Appraisers, Inc. with regard to the aforesaid services, as per the proposal dated November 30, 2002, to be attached hereto and made a part hereof.

2. That the services to be performed shall be as outlined in the attached proposal; further authorization from the Township Council shall be required for any expenditure beyond said amount.

3. That this contract is awarded without competitive bidding as a "Professional Service", in accordance with N.J.S.A. 40A:11-5, of the Local Public Contracts Law of New Jersey, because the services will be performed by persons authorized by law to practice a recognized profession and it is not possible to obtain bids for such needed qualitative services.

4. That this award of contract is specifically contingent upon verification and certification by the Township Chief Financial Officer of adequate funding available for same. The Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for this contract and to attach same to this Resolution.

5. That Notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Township.

6. That a certified copy of this Resolution shall be provided to each of the following:

- a. Professional Property Appraisers, Inc.  
(Attn: Thomas C. Davis, SRA, ASA, CTA)
- b. Township Business Administrator
- c. Township Chief Financial Officer
- d. Township Tax Assessor
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Resolution # 2003-267 (Change Order #1 - Microsurfacing Contract) was introduced by reference, offered by Councilwoman Singer, seconded by Council Vice President Mione and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-267

A RESOLUTION AUTHORIZING AND APPROVING A CHANGE ORDER ADJUSTING  
THE ORIGINAL CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND  
SHORE SLURRY SEAL, INC. FOR MICROSURFACING VARIOUS STREETS  
IN THE TOWNSHIP OF MARLBORO

WHEREAS, in August of 2002, the Township of Marlboro awarded a contract to Shore Slurry Seal, Inc. to microsurface roads on various streets in the Township which required sealing; and

WHEREAS, the amount of the aforesaid contract awarded to Shore Slurry Seal, Inc. was \$139,500.00; and

WHEREAS, additional mileage was added to the original scope of work in order to microsurface more roads which required sealing; and

WHEREAS, the cost of such additional work came to the total of \$23,131.69 above the original contract, such amount representing 16.6% of the total contract, and being within the parameters set forth by the Local Public Contracts Law, *N.J.S.A. 40A:11-1, et seq.*; and

WHEREAS, the Township Administration and the Division of Public Works have reviewed the said additional work and recommend that a Change Order be authorized and approved by the Township Council; and

WHEREAS, funds are available and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Mayor and Township Council have indicated their agreement that a Change Order for the additional microsurfacing work as described hereinabove for the additional cost of \$23,131.69 be authorized by the Township Council.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a Change Order authorizing the additional microsurfacing work performed by Shore Slurry Seal, Inc. for the amount of \$23,131.69 be and hereby is authorized and approved; and

BE IT FURTHER RESOLVED, that the Township Division of Public Works is hereby authorized to issue a Change Order for the aforementioned work to Shore Slurry Seal, Inc.; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Shore Slurry Seal, Inc.
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Superintendent Public Works
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Resolution # 2003-268 (Bond Release McLaughlin's Auto Service Center) was introduced by reference, offered by Councilman Kovalski, seconded by Councilman Denkensohn and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-268

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE AND CASH BONDS                      FOR  
SITE PLAN FOR MCLAUGHLIN'S AUTO SERVICE CENTER

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request for the release of Township held Performance and Cash Bonds for the site plan for McLaughlin's Auto Service Center ("Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated September 4, 2003, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the report recommends that the current Performance and Cash Bond amounts being held by the Township may be released subject to Developer posting a two (2) year maintenance guaranty in the amount of \$4,500.00; and

WHEREAS, the Township Council now wishes to take the following action regarding the aforesaid Performance and Cash Bonds.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Guarantees posted for the Site Plan for Developer, McLaughlin's Auto Service Center shall be released.

BE IT FURTHER RESOLVED, that the release of the Performance Guarantees is conditioned upon the Developer, McLaughlin's Auto Service Center, posting a two (2) year maintenance guaranty in the amount of \$4,500.00.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Laughlin's Auto Service Center
- b. Wachovia Bank
- c. Township Engineer
- d. Chief Financial Officer
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Resolution # 2003-269 (Bond Release Onyx Leasing Systems) was introduced by reference, offered by Councilman Denkensohn, seconded by Councilman Kovalski and passed on a roll call vote of 5 - 0 in favor.



RESOLUTION # 2003-269

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE AND CASH BONDS                      FOR  
SITE PLAN FOR ONYX LEASING SYSTEMS

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request for the release of Township held Performance and Cash Bonds for the site plan for Onyx Leasing Systems ("Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated September 4, 2003, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the report recommends that the current Performance and Cash Bond amounts being held by the Township may be released subject to Developer posting a two (2) year maintenance guaranty in the amount of \$16,700.00; and

WHEREAS, the Township Council now wishes to take the following action regarding the aforesaid Performance and Cash Bonds.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Guarantees posted for the Site Plan for Developer, Onyx Leasing Systems shall be released.

BE IT FURTHER RESOLVED, that the release of the Performance Guarantees is conditioned upon the Developer, Onyx Leasing Systems, posting a two (2) year maintenance guaranty in the amount of \$16,700.00.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Onyx Leasing Systems
- b. International Fidelity Insurance Company
- c. Township Engineer
- d. Chief Financial Officer
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Resolutions were introduced by reference, offered by Councilwoman Singer, seconded by Councilman Denkensohn and passed on a roll call vote of 5 - 0 in favor: Res. # 2003-270 (Redemption Tax

Sale Certs. - Various), Res. # 2003-271 (Refunds for Overpayments - Various), Res. # 2003-272 (Refunds to WMUA - Various), Res. # 2003-273 (Veteran Deductions - Various), # 2003-274 (Widow of Veteran Deduction - B. 351, L. 11), # 2003-275 (Cancellation of Uncollectible Taxes - Block 101, Lot 5) and Res. # 2003-276 (Assignment Tax Sale Cert. - B. 157, L. 12).

RESOLUTION # 2003-270

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$39,667.44 as per Schedule "A",

WHEREAS, the holders of the above-mentioned tax sale certificates are entitled to the amount of the sale plus interest and costs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$39,667.44 be refunded to the certificate holders as per Schedule "A",

SCHEDULE "A"

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIEN HOLDER</u>	<u>AMOUNT</u>
01-53	312/36	Betty Simon, Trustee LLC	\$31,296.65
26 Whitney Drive		P.O. Box 238 Northfield, NJ 08225	
03-14	172/23	Richard Simon, Trustee LLC	7,320.07
273 Spring Valley Rd.		P.O. Box 238 Northfield, NJ 08225	
03-50	225/67	American Tax Funding	398.00
11 Fairview Road		Attn: Martha Moseley P.O. Box 862658 Orlando, FL 32886-2658	
03-52	268.05/10	American Tax Funding	652.72
40 Alpine Drive		Attn: Martha Moseley P.O. Box 862658 Orlando, FL 32886-2658	
TOTAL:			<u>\$39,667.44</u>

RESOLUTION # 2003-271

WHEREAS, the attached list in the amount of \$21,331.27 known as Schedule "A", is comprised of amounts representing overpayments for 2003 taxes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the above-mentioned overpaid amounts as per the attached Schedule "A",

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>AMOUNT</u>
120.02	22	Joseph & Maria Parisi	\$2,100.66
403	Ironwood Lane	403 Ironwood Lane Morganville, NJ 07751	
141	3	David Goldberg	2,791.15
131	Yorkshire Drive	131 Yorkshire Drive Morganville, NJ 07751	
206.02	26	Washington Mutual	2,593.33
4	Passaic Court	Attn: Tax Dept/Refunds 22 Enterprise Drive Florence, SC 29501 Re: Alan Quo (Former Assessed Owner)	
277	6	Donna Croce	1,621.26
24	Whitman Road	24 Whitman Road Morganville, NJ 07751	
288	29 C0044	Cendant Mortgage	752.26
44	Aspen Avenue	Attn: Marcy Kapelke 95 Methodist Hill Drive Rochester, NY 04623 (Payment Meant for Other Municipality)	
339	34	Peil-Ying Mark Chu	2,185.91
4	Nancy Road	4 Nancy Road Marlboro, NJ 07746	
339	56	Bhavin & Neeli Doshi	2,223.26
123	Wyncrest Road	123 Wyncrest Road Marlboro, NJ 07746	

360	34	Lereta Corp.	2,252.76
101 School Road East		Attn: Ms. Leslie Howell	
		400 Cresson Blvd., Suite 110	
		Oaks, PA 19456	
		Re: Carl Fava & Frances Tessoun	

421.03	14	Ohio Savings Bank	4,810.68
7 Blake Drive		Mortgage Research Dept.	
		111 Chester Ave, Suite 200	
		Cleveland, OH 44114	
		Re: Michael & Nicole	
		LaGrasta	

TOTAL:	<u>\$21,331.27</u>
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RESOLUTION # 2003-272

WHEREAS, current sewer charges totaling \$1,821.28 have been paid by the lienholder of the Tax Sale certificates as per Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the above-mentioned sewer charges in the amount of \$1,821.28 be refunded to the Western Monmouth Utilities Authority.

SCHEDULE "A"

<u>CERT#</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
TSC#02-26	413.04/9	MD SASS-IV (4),	\$194.26
5 Dali Terrace		Wachovia Bank, NA Cust.	
TSC#03-28	312/173	Crusader Servicing Corp.	84.86
10 Jean Court			
TSC#03-33	393/20	Crusader Servicing Corp.	84.85
1 Woodland Terrace			
TSC#03-38	412.07/13	American Tax Funding, Inc.	81.62
26 Barn Swallow Blvd.			
TSC#03-43	116/17	American Tax Funding, Inc.	194.28
5 Lloyd Road			
TSC#03-44	120.02/11	American Tax Funding, Inc.	246.50
410 Ironwood Lane			

TSC#03-45 143.05/13 American Tax Funding, Inc. 220.96  
323 Wedgewood Road

TSC#03-46 176/7 C0813 American Tax Funding, Inc. 246.49  
813 Mariposa Court

TSC#03-52 268.05/10 American Tax Funding, Inc. 246.48  
40 Alpine Drive

TSC#03-55 345/7 American Tax Funding, Inc. 220.98  
13 McDonald Road

TOTAL: \$1,821.28

RESOLUTION # 2003-273

WHEREAS, Veteran deductions totaling \$750.00 have been granted as per the attached Schedule "A" for the year 2003,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to apply these deductions to the respective taxpayers as per Schedule "A".

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>AMOUNT</u>
262	15	Stephen M. & Karen S. Stein	\$250.00
1 Bruce Road		1 Bruce Road	
		Morganville, NJ 07751	
288	29 C0434	William & Claire Sansone	250.00
434 Bayberry Court		434 Bayberry Court	
		Englishtown, NJ 07726	
371	152	Gerald J. & Edith Ritz	250.00
46 Peasley Drive		46 Peasley Drive	
		Marlboro, NJ 07746	

TOTAL: \$750.00

RESOLUTION # 2003-274

WHEREAS, a Widow of a Veteran deduction in the amount of \$250.00 has been granted for the year 2003 for Block 351 Lot 11, located on 7 Collingwood Road, assessed to June E. Martin,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to apply the amount of \$250.00 to the above-mentioned taxpayer.

RESOLUTION # 2003-275

A RESOLUTION AUTHORIZING THE CANCELLATION OF  
CERTAIN TAXES DETERMINED TO BE UNCOLLECTIBLE -  
BLOCK 101, LOT 5

WHEREAS, there are certain taxes that remain outstanding and unpaid relating to the property located on Ticetown Road, more commonly known and designated as Block 101, Lot 5, assessed to Sero Corp. c/o Sam Halpern; and

WHEREAS, these outstanding taxes were for the year 2003, in the amount of \$501.37, as set forth below;  
and

WHEREAS, this property was condemned by the Township of Old Bridge; and

WHEREAS, a Declaration of Taking was issued by the Superior Court of New Jersey and, therefore, it has been determined that the said outstanding taxes, as set forth below, are uncollectible; and

WHEREAS, the Township Attorney has recommended that they be canceled.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro, in the County of Monmouth and State of New Jersey as follows:

1. That the following taxes relating to the subject property, which have been determined to be uncollectible, for the year 2003, are hereby canceled:

Block 101, Lot 5	\$501.37
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2. That a certified copy of this Resolution shall be provided to each of the following:

- a. Shirley Giaquinto, Township Tax Collector
- b. Township Attorney

RESOLUTION # 2003-276

RESOLUTION OF THE TOWNSHIP OF MARLBORO AUTHORIZING THE ASSIGNMENT OF  
TAX SALE CERTIFICATE NO. 91-46 FOR TAXES, INTEREST AND COSTS DUE ON  
BLOCK 157, LOT 12 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF  
MARLBORO IN ACCORDANCE WITH N.J.S.A. 54:5-113 ET SEQ.

WHEREAS, pursuant to N.J.S.A. 54:5-113 et seq., when a municipality has or shall have acquired title to real estate by reason of such property having been sold to the municipality for delinquent taxes and assessments, a municipality is permitted to authorize a private sale of such certificate of tax sale, together with subsequent liens thereon, for not less than the amount of liens charged against such real estate; and

WHEREAS, the Township of Marlboro has acquired the property known as Block 157, Lot 12 on the Official Tax Map of the Township of Marlboro (the "Property") for delinquent taxes and filed Tax Sale Certificate No. 91-46 in the Monmouth County Clerk's Office, MB-5019 at page 55 on November 18<sup>th</sup>, 1991; and

WHEREAS, George & Lauren Harrington wish to acquire the aforesaid Tax Certificate together with all right, title and interest acquired by virtue of said Tax Sale Certificate in and to the Property.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, in the County of Monmouth and State of New Jersey that Tax Sale Certificate No. 91-46 shall be conveyed at private sale to George & Lauren Harrington for the amount of \$86,736.06, such sum representing the aggregate amount of the original amount of sale, together with all subsequent liens, including taxes, interest and costs.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be provided to each of the following:

- a. Township Administrator
- b. Township Tax Collector
- c. Township Chief Financial Officer
- d. George & Lauren Harrington
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Resolution # 2003-277 (Raffle License - Knights of Columbus (50/50 Off Premise) was introduced by reference, offered by

Councilman Kovalski, seconded by Councilman Denkensohn and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-277

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 11-03 (Off Premise 50/50) be and it is hereby granted to Knights of Columbus Council #6392, P.O. Box 322, Lincroft, N. J. 07738.

BE IT FURTHER RESOLVED that said Raffle will be held on December 13, 2003 at 7 PM at St. Gabriel's Church, 100 North Main Street, Marlboro, New Jersey 07746.

At 11:30 pm, Councilman Kovalski moved that the meeting go into executive session for reason of discussing contract negotiations, property acquisition, litigation and personnel. This was seconded by Councilwoman Singer, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 2003-280

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 25th day of September 25, 2003 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely, acquisition of property, contract negotiations, litigation and personnel.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned items and that such executive session should take approximately 60 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required. Action may be taken following the executive session.

At 12:25 pm, Councilman Kovalski moved that the meeting be opened. This was seconded by Council President Karcher, and as there was no objection, the Clerk was asked to cast one ballot.

At 12:26 pm, Councilman Kovalski moved that the meeting be adjourned. This was seconded by Council President Karcher, and as there was no objection, the Clerk was asked to cast one ballot.



MINUTES APPROVED: October 23, 2003

OFFERED BY: Kovalski AYES: 5

SECONDED BY: Denkensohn NAYS: 0

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ALIDA DE GAETA  
MUNICIPAL CLERK

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ELLEN KARCHER  
COUNCIL PRESIDENT